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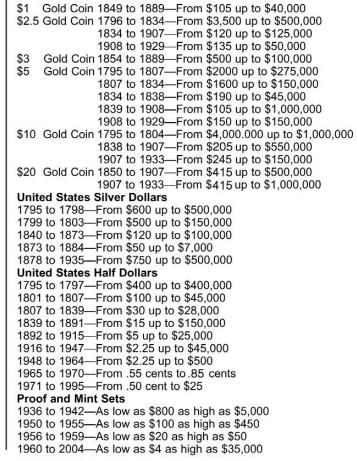
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Article by Eric Berkowitz

March 7, 2005 - Last year, condominium owners throughout the State of Florida narrowly dodged a legislative attempt to disabuse them of the right to govern themselves. The legislation was "spun" by proponents as "the people's bill" and promised "empowerment" to condo owners. Much to the chagrin of those it was supposedly designed to help, it revealed itself as a poorly drawn set of proposals that brazenly punished people living in condominiums. When the legislation's deficiencies were obviated during its review by various House and Senate Committees, it became known as the "Condo Killer" bills. Perplexingly, the bills' sponsors flatly refused to fix the damaging provisions, clouding their motives and suggesting an ulterior agenda. The bills'



supporters, after blaming their product's defeat on the "naivety" of condo owners, promised to reintroduce the damaging bills "again next year."

The lives of condo owners are once again threatened by a political coalition with a surreptitious agenda. The public face of the coalition is a small collection of disgruntled condo owners who weren't satisfied with decisions made by



April 2005

their respective Boards. In response, the "Cyber Citizens for Justice" adopted a scorched earth policy; if they couldn't control their condos, nobody would. Their intention is to dismantle the Condominium system in Florida. Their methodology is to regulate it into oblivion. To accomplish this end, they've assembled several key ingredients.

To create "regulations", they've allied themselves with certain legislators in Tallahassee. The St. Augustine-based "Cybers" enlisted the aid of second-year Miami Representative Julio Robaina to compose legislation designed to dismantle Florida's condo system. During the 2004 legislative session, Robaina and several other Miami legislators sponsored a bill laden with assorted provisions to disenfranchise hundreds of thousands of condo owners, stultify self-governance, engender senseless litigation and cripple every Association's daily operations. Upon being told that she would be "empowering condo owners", Senator Evelyn Lynn agreed to sponsor the companion bill in the Florida Senate. However, after reviewing the actual wording and realizing that the bill was actually an attack on the rights of condo owners, she withdrew her sponsorship.

Left without a Senate supporter, Robaina turned to fellow Miami legislator, Senator Rudy Garcia, to carry the ball. Thousands of condo owners objected to this unconstitutional attack on their rights by contacting their representatives to overturn these damaging provisions. Although the dangerous provisions were excised from the bill, Robaina promised to renew his attack on the rights of condo owners during the next legislative session.

Continued on page 10

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The Galt Mile News is the official newsletter of the Galt Mile Community. Published 12 times a year, this publication is designed to educate the Galt residents of neighborhood-oriented current events and issues, and to offer residents Galt-specific discounts from various local merchants.



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Allison Weingard Muss 954-292-6553 galtnews@yahoo.com

Art Director:	Gio Castiglione
Distribution:	Michael Loomis
Ad Sales:	Allison W. Muss
Editor:	Eric Peter Berkowitz

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17	18	19 Fort Lauderdale City Commission Meeting City Hall	20	21 Clueless on Las Olas	22 Earth Day	23 Erev Pesach
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Cinderella	2 Commissioner Teel: Pre-Agenda Meeting Beach Comm. Center Info.: 954-828-5033	3	4	5	Marlins v Colorado Pro Player 7:35 p.m.	7 Marlins v Colorado Pro Player 6:05 p.m.
Sunday Jazz Brunch liverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985	Cinderella Family Fun Series Broward Center Info.: 954-462-0222	Fort Lauderdale City Commission Meeting City Hall 6 p.m.		No.	Margaret Cho The Assassin Tour Broward Center Info.: 954-462-0222	Kenny Chesney Office Depot Center 7:30 p.m. Tix.: ticketmaster.com
Marlins v Colorado Pro Player 1:05 p.m.	9	10	11	12	13	14
Mather's Day Sarah McLachlan Office Depot Center Tix.: ticketmaster.com	Marlins v Houston Pro Player 7:05 p.m.	Marlins v Houston Pro Player 7:05 p.m.	Marlins v Houston Pro Player 7:05 p.m.			

A look ahead

May 13 - 15 – Florida Marine Aquarium Show War Memorial Auditorium.

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May 26 - 29 - Marlins v Mets Pro Player Stadium, Tix.: www.florida.marlins.mlb.com

THE OMBUDSMAN QUESTION

Eric Berkowitz

Dr. Virgil Rizzo is the Condominium Ombudsman. The 67-year-old attorney-retired physician-was appointed by Gov. Bush on Dec. 3, 2004. His responsibility is to mediate conflicts. Specifically, conflicts between condo owners, board members, Associations, Managers, etc. If an owner has a problem with the Board, they can call him. If a Condo Board has a problem with an owner, they can call him. If a Board member has a problem with another Board member, Rizzo is available. He is supposed to be a neutral dialogue facilitator. He is supposed to hear the facts surrounding an issue and apply the law; his mandate is to serve as a fair and impartial mediator. On January 28th, Rizzo attended a meeting in Dania Beach. Unfortunately, Dr. Rizzo has made certain statements implying a lack of conversancy with the real problems facing condominiums. Mr. Ombudsman stated that he will be making a recommendation to the Legislature that every condominium association in the State of Florida needs to have the same set of Condominium Documents...

Apparently it is irrelevant if you live in a small 4-unit condominium conversion or a huge 2000-unit condominium community; not important if you live in a timeshare condominium, mobile home condominium, commercial condominium, mixed-use condominium or a basic Chapter 718 (standard) condominium. Obviously, this would also deftly remove a basic right that condo owners now enjoy; the right to set rules pertinent to their unique problems. Rules about parking, rules for appropriate security, rules that maintain the physical premises, elevator use restrictions, rules governing noise - if it's not in his "standard" set of Condo Documents - it doesn't exist - even if every owner in the building wants it.

This isn't simply a threat to majority rule; it's an effort to do away with any form of self-governance. The decisions about your home would pass from you to Tallahassee. Instead of being decided by elected representatives, conflicts not addressed in the boilerplate Condo Docs - from security and maintenance issues to late-night construction - will all wind up in the courts. Condominiums would operate like public housing. Enactment of the Ombudsman's idea would deter any sane person from purchasing a condo unit. The value of existing units would be reduced to the value of their furnishings. A strange proposal



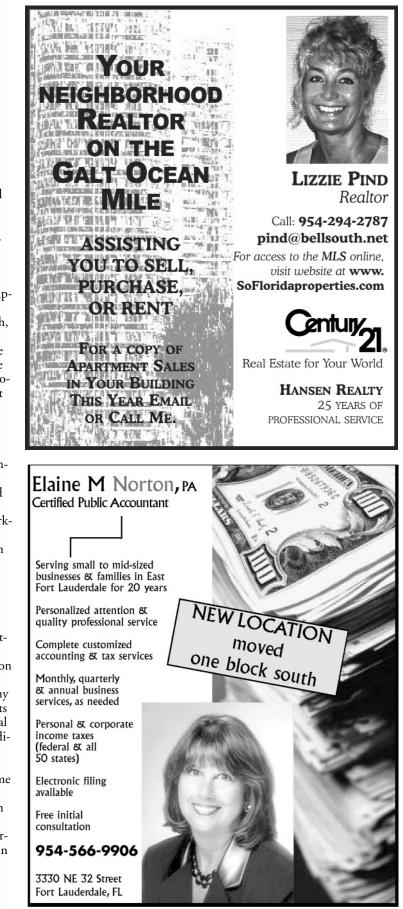
River Reach

from a "fair and impartial mediator."

Ombudsman Rizzo carries some baggage that some feel should have precluded Governor Bush from selecting him to fill the office. Dr. Rizzo lives in a riverfront condominium complex in

Continued on page 7

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Social Security...Continued

A visiting Coral Springs retiree asked the Congressman if his plan received an endorsement by AARP or other legitimate Social Security watchdogs. Shaw answered that the plan's infancy hasn't yet afforded AARP the opportunity for an in-depth review, although he "expects their support to be forthcoming." Congressman Shaw asserted that his plan compared favorably to President Bill Clinton's aspirations for a Social Security fix while in office. Shaw said that when he recently asked former President Clinton his view of the "Add-On" plan, Clinton responded, "I see no reason why it shouldn't work!" During Clinton's reign, it was Shaw's Welfare Reform Bill that the President ultimately signed into law with the avid approval of 98 House Democrats. Shaw anticipates bi-partisan support for his Guarantee Plus Plan, having caucused with key Democratic leaders prior to its release. Shaw exclaimed that Senators Joe Lieberman and Tom Harkin both favor personal retirement accounts that serve as an adjunct to the existing Social Security plan benefits instead of as a replacement.

The meeting demonstrated Clay Shaw's remarkable resilience. His plan is a creative response to President Bush's call to place Social Security on a solvent footing using personal self-directed retirement accounts. His plan differs from the Administration's in that it doesn't slash benefits or further undermine the trust fund. Throughout its history, Social Security has been subject to minor adjustments to accommodate evolving demographics. AARP and other Social Security guardians have opposed the Administration's attempt to "scare" benefit-cutting legislation through Congress by characterizing a fixable imbalance as "impending bankruptcy". AARP analysts view efforts to "carve out" and redirect payroll taxes into the stock market as a thinly veiled resurrection of the failed British and Chilean experiments which resulted in

parenthetical disaster. Social Security watchdogs like the Center on Budget and Policy Priorities support AARP's contention that Administration assertions not only misrepresent the Social Security shortfall, but that by "carving out" personal account contributions, it would hasten its demise by six years. According to Chief Actuary Stephen Goss of the Social Security Administration, Social Security is projected to have a cash surplus of \$48 billion in 2012 under current law (in current dollars) and that under the President's proposal; it would have a cash deficit of \$14 billion. Shaw's plan mutes these criticisms by adding on a new component that will correct the imbalance using methods deemed credible on both sides of the aisle. Past resistance to "Add-On" plans stemmed from their tendency to increase the deficit. Shaw responds by rhetorically asking "Is there a deficit in the short term? Yes. All of these plans create a deficit in the short-term. All of the plans that are out there have to create a deficit to get the accounts started."

While the Social Security Administration attractively scored a similar bill offered by Shaw during last year's 108th Congressional session, Shaw's updated version hasn't as yet been reviewed. Once SSA and the Congressional Budget Office analyze Shaw's new entry, it may survive as the only long term rescue capable of eliciting both AARP's blessing and the bi-partisan support necessary for passage. Time, as always, will tell!•





Ombudsman...Continued

Southwest Fort Lauderdale called River Reach. A few years ago he filed a suit against the Association's Board of Directors, claiming that they mishandled condominium investments. Condominium residents coalesced in support of their board and countered by filing a libel suit against the Ombudsman. To avoid the appearance of a conflict of interest, Rizzo stepped aside as the litigation's main catalyst. Fifteen of Dr. Rizzo's neighbors met with reporters after his appointment, questioning his qualifications to lead the State's condominium mediation efforts. Neal Ketcher, a retired airline pilot who has lived in River Reach for 33 years, surmised, "It strikes me that someone who has created such disruption, confusion and distrust in his own condominium . . . should not be allowed to do the same at other condominiums."

While the Ombudsman has made some disconcerting remarks that serve to arouse suspicion about his real agenda, opining about that agenda seems premature. He is new to the job. The job itself, at least in its present incarnation, is also new. The resources made available to him to accomplish his uncertain agenda are, in his opinion, inadequate. Additionally, when certain individuals are elevated into a position of power, a strange political phenomenon occurs. As exemplified by the overnight "moderation" sometimes experienced by some newly appointed Judges to the Supreme Court, past behavior ceases to be an indicator of how the individual will treat his/her new responsibility. For these, and other, reasons, it seems only fair to continue observing Dr. Rizzo and reserve judgment about his efficacy. Should you have questions for your new Ombudsman, please email Dr. Rizzo at virgil.rizzo@dbpr.state.fl.us Telephone at 1-(850)-922-7671 or Fax at 1-(850)-921-5446. His address in the State Capitol is 1940 N. Monroe Street, Tallahassee, FL 32399.

For additional information about the Ombudsman or other impacts on our community issuing from Tallahassee, please check the Galt Mile Community Association web site (www.galtmile.com). Click on "Issues" on the top navigation bar, scroll down to the "Tallahassee" section and click. Keep track of the "surprises" that the legislature has in store for the Galt Mile! •

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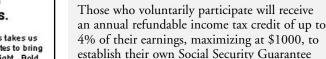
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Social Security...Continued

4% of their earnings, maximizing at \$1000, to establish their own Social Security Guarantee Account. Shaw's concept serves as a voluntary "Add-On" to currently mandated benefits, lavering a personal retirement account over the existing Social Security plan. Account owners would select where to invest the funds (from a preapproved set of alternatives) which then grow tax-free until benefits are paid. Shaw continued, "At retirement or when the worker becomes disabled, a portion of the Guarantee Account is paid directly to the worker and the rest is used to help pay full, guaranteed Social Security benefits. Should an individual die before becoming eligible, the balance of their money will be passed along to their heirs." Where does the roughly \$3 trillion program investment come from? The audience patiently awaited the distinct "thud" that accompanies the other shoe dropping. It never came. The Shaw plan borrows general revenues to fund the accounts. "Even assuming borrowing for a transitional period, my plan pays back every borrowed dollar plus interest within the seventy five-year period. Not only would we pay off the mortgage on Social Security, we would leave workers with substantial account balances and the federal government with excess cash," Shaw explained.

Continued on page 17

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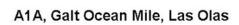
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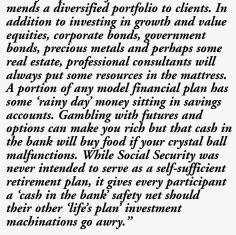
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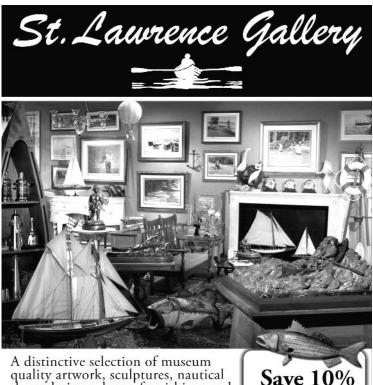
- Economics of Financial Planning 101



Whether or not he's conversant with your particular political Muse, Fort Lauderdale Congressman E. Clay Shaw Jr. is conceded several admirable qualities by both constituents and peers. His lengthy tenure reflects Herculean

staying power. In the 1960s and 1970s, Shaw built an impressive record of service to the residents of Fort Lauderdale as an Associate Municipal Judge, Chief City Prosecutor, and Assistant City Attorney, City Commissioner, Vice Mayor (1973-75) and Mayor (1975-80). Elected twelve times to represent the 500-square-mile, 700,000-person 22nd Congressional District, the Republican Congressman has consistently managed to garner the confidence of his bi-partisan constituency. In fact, his predominantly urban electorate includes an area addressed in whispers by fearful Republican prospects as "the killing fields". This staunchly Democratic section of Broward County has dashed the political aspirations of Republican hopefuls for decades. Shaw has managed to skate through this dangerous gauntlet unscathed for twenty-four years. His secret? He took a page from Claude Pepper's playbook. No matter who occupies the White House, Shaw plays to his biggest audience, SENIORS. Not surprisingly, District 22 boasts the highest percentage of over-65 voters in the nation.

Continued on page 11



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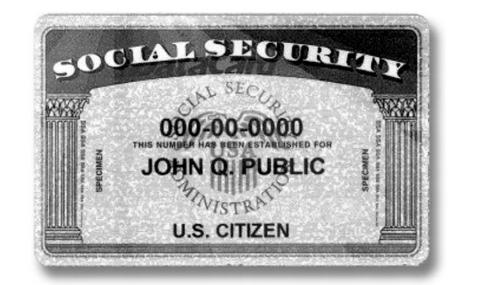
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Social Security...Continued

H.R. 2971 would restrict the sale and public display of Social Security numbers, limit dissemination of Social Security numbers by credit reporting agencies, make it more difficult for businesses to deny services if a customer refuses to provide his or her Social Security number, and establish civil and criminal penalties for violations." While these bills and others supported by the Congressman nip and tuck to correct inequities in the program's administration, they carefully avoided exposing the program's funds to experimentation. By the same token, they don't include his entry into the "Save Social Security" sweepstakes.

Mr. Shaw revealed that entry to Galt Mile residents, City Commissioner Christine Teel, City Manager George Gretsas and other civic leaders at the town hall style meeting. Introducing it as the Social Security Guarantee Plus Plan (H.R. 750), he summarized, "Promised benefits, including cost of living increases, are guaranteed for people receiving benefits today, tomorrow and for all

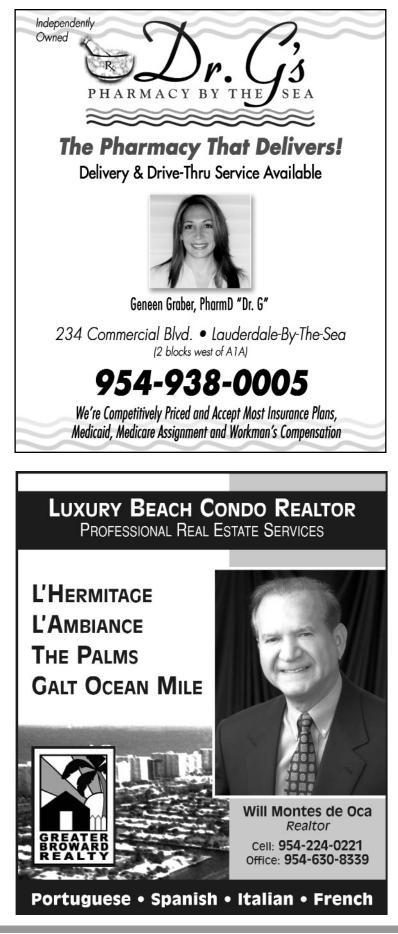


future generations. My plan does not raise taxes, does not lower benefits, and does not change the retirement age." Shaw explained that while the plan guarantees full, promised, current law benefits for all workers, it does so by setting aside real assets, not IOUs, to prefund benefits. "These assets are saved in each worker's own account, thereby providing workers the opportunity to create real wealth for themselves and their families."

Social Security...Continued

Another of Shaw's distinguishing characteristics is an Ahablike courage. The Congressman convened a 3 PM meeting at the Beach Community Center on February 21st to edify Galt Mile residents about his version of a Social Security rescue. Social Security is a political minefield. Its mere mention stirs fear in the heart of any elected official with a functioning survival instinct. Once safely re-elected, President Bush turned Social Security into a hot button issue, portending its imminent demise. Responding to the President's dictum, Republican legislators across the country scheduled local meetings on President's Day to engender support for the Administration's controversial intention to channel payroll taxes into the stock market, change the basis for Social Security's benefit structure from "wage indexing" to "price indexing" and "means test" affluent retirees to lessen their benefits. In turn, Democratic legislators scheduled similar local meetings to mollify overreaction to the Administration's inflammatory rhetoric. Although the actual depth of the problem is a hotbed of contention, most responsible officials assert that immediate attention to the fund's projected shortfall would be the least painful prescription. While "fixes" range from radical surgery to minor tweaks, depending on whose "facts" you deem credible, Shaw's "senior-heavy" constituency is naturally concerned about the efficacy of these supposed "solutions". The residents in Clay Shaw's district suspect that their Social Security benefit could fall prey to a political agenda masquerading as "concern for their grandchildren." The meeting was innocently entitled, "A Social Security Update". An Attorney and a Certified Public Accountant by training, Clay Shaw's experience has adequately prepared him to authoritatively address his South Florida seniors on this controversial topic. He recently completed a six-year term as Chairman of the House Social Security Subcommittee of the powerful Ways and Means Committee.

Congressman Shaw opened the meeting by offering his credentials as a champion of "senior" issues. On March 2, 2004, Shaw's Social Security Protection Act of 2003 (H.R. 743) was signed into law by President Bush. AARP (Association for the Advancement of Retired Persons) CEO Bill Novelli commented that Shaw's legislation would "make Social Security more secure and equitable for millions of the most vulnerable Social Security beneficiaries." Novelli elaborated, "It will protect Social Security beneficiaries from unscrupulous scam artists and will remove barriers that have prevented individuals with disabilities from working. We (AARP) are pleased to have been part of this significant bipartisan legislation." Shaw's legislative history is peppered with efforts to fine tune Social Security... such as the Social Security Number (SSN) Privacy and Identity Theft Prevention Act of 2003 (H.R. 2971). Shaw describes the bill's rationale as, "In order to protect SSNs from theft in the public and private sector,





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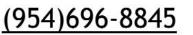
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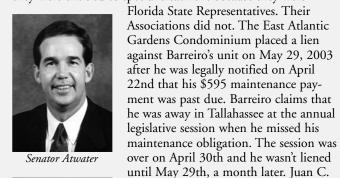


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Playbill..Continued

Their Associations, fulfilling their fiduciary responsibility to protect its members from having to "carry" those who don't pay their obligations, took action. Perhaps the legislators felt that they were entitled to special treatment because they were





Senator Bogdanoff

The legislators might have found a more appropriate way to exact revenge on their Associations for expecting them to pay their bills. To dismantle the entire Condominium Association system in the State of Florida and place 1.1 million condo

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October, 1989, in the amount of \$181.

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it possible he forgot that he owned a con-

Senator R

He claimed that the Association was

dominium for five months until they

nance for his unit at Elan at Calusa

Condominium from June through

owners at risk is a severe response to the embarrassment they brought on themselves. Enlisting the aid of legislative collegues to accomplish payback is an abject abuse of their position and the power that accompanies it.

Noting that support for the legislation was limited to certain Miami legislators, Representative Ellyn Bogdanoff speculated that their participation was possibly in response to a problem indigenous to

some Miami condominiums that may have behaved inappropriately. However, she professed confusion about why they would attempt to perpetrate their punitive "cure" on all condominiums throughout the State. To disallow self-governance for over a million condominium owners to correct a possible local abuse seemed wildly excessive.

Not surprisingly, SEIU made a "campaign" contribution to Juan Zapata on October 28, 2004 (eleven months after his election), following his support of the ill-fated "Condo Killer" bills. Incidentally, on August 17, 2004, Ombudsman Virgil Rizzo also contributed to Zapata's campaign, shortly before he was selected by Governor Bush to fill the office that Zapata's legislation created. SEIU didn't overlook Representative Barriero's help with their agenda, contributing to his campaign on July 16, 2004. As is often the case in Tallahassee, you can't tell the players without a scorecard. •



Information provided by Eastside Properties, 954-565-7644

Twelve more properties were sold in the Galt Ocean Mile Community:

Coral Ridge Towers #1412 \$165.000—closed 3/09/05

The Continental # 604 (2/2)\$360,000—closed 2/15/05

Fountainhead #6C

(2/2)\$391,500—closed 02/25/05

Regency South #306 (2/2)\$390,000—closed 2/24/05

Commodore #612 (2/2)

\$330,000—closed 2/28/05

Riviera #1001 (2/2)\$530,000—closed 2/25/05

Playa del Mar #1508 (1/1.5)\$300,000—closed 3/02/05

Royal Ambassador #1704 (1/1.5)\$297,500—closed 2/25/05

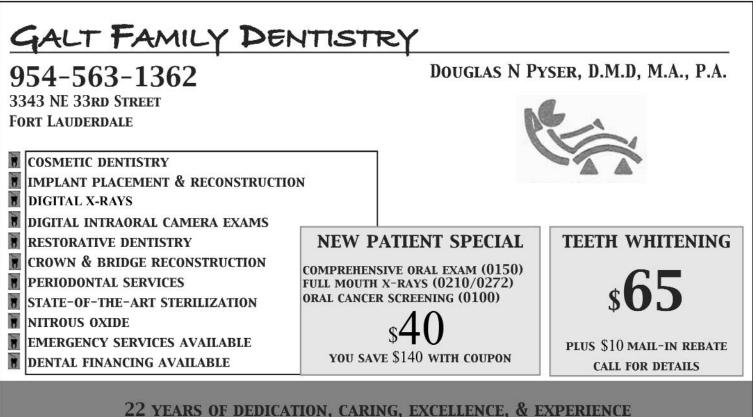
Berkley South PH-8 (2/2)

\$345,000—closed 2/16/05

L'Hermitage #502S (2/2)\$750,000—closed 3/02/05

Southpoint #502S (3/2.5)\$660,000-closed 2/25/05

Regency Towers South #1102 (2/2)\$455,000-closed 3/14/05



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Playbill..Continued

The group also needed financing and media access. For this, they turned to a local union looking for new business opportunities. SEIU (Service Employees International Union) a national union that represents building service employees and health care workers. The Building Services component represents janitors, doormen, reception personnel, maintenance workers, housekeeping personnel, etc., employed in hotels, apartment buildings, stadiums, private parks, etc. A Miami local of SEIU, Local 11, perceived condominiums as a fertile untapped source of new revenues. For years, the union has unsuccessfully attempted to organize anyone working in private homes. Their campaign to organize Homeowner Associations, Neighborhood Associations and, above all, Condominium Associations, has also yield-

ed disappointing results. Their problem is simple; to organize a condominium, they need to be invited in by disaffected employ-

minium, they need to be invited in by disaffected employees. The vast majority of condominiums have good relations with their employees. Quiescent, well-run condominiums are anathema to the union. Without dissention, the union is precluded from the opportunity to add \$millions in prospective "dues" to the maintenance assessments of targeted condominium owners.

By way of investment, SEIU made a contribution to the campaign coffers of Julio Robaina on June 27, 2003 to help emplace him into office. They also arranged several "Cyber" demonstrations and meetings. They engineered a demonstration at the office of Senator Jeffrey Atwater, the sponsor of a 2004 Homeowner Association bill (SB 2984) in the Senate. Senator Atwater's bill was consistent with Governor Bush's objectives, to make Homeowner Associations more responsive to their membership. The demonstrators, a combination of SEIU members and "Cybers", picketed the Senators office. They protested his bill as inadequate because it didn't conform to Robaina's radical notion of placing all Associations under the jurisdiction of a prosecutorial Ombudsman with wartime-style search and seizure powers. Wanting no part of the group's attempt to disenfranchise condo owners, Senator Atwater refused to comply with their demands. The feudal-style bounty hunter Robaina envisioned was ultimately modified by the legislature into an impartial mediator. Since a "neutral" Ombudsman would be insufficient to foment the dissonant environment that SEIU needed to get their foot in the door, Robaina committed to reviving his assault on condominiums during the 2005 legislative session. Representative



Robaina said, "I am accepting what they have given us because that's how it works in the legislature, but I'm coming back with it next year with a complete rewrite." As a reward, SEIU made another payment to his campaign on July 16, 2004, eight months AFTER he was elected.

Several Miami legislators that participated in the group's machinations had another incentive. Representatives Juan Zapata and Gustavo Barreiro both own condominiums. Apparently, both of them neglected to pay legal assessments due on their units.

Continued on page 12



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Marilyn Greenberg

There is a humility to be lent to the works of charity; and there is a moment when giving is far better than receiving. One such special moment occurs at the L'Hermitage Condominium under the sensitive leadership of Hazel Greenberg, her committee, and the social committee chair, Marilyn Leeds. The moment, however, plays out all through the year as eager committee members raise funds through a kick-off luncheon, a holiday boutique bazaar, a tennis tournament, swim-a-thon, Mah Jongg game luncheon and a cruise event. Alas, March 5th, the slam dunk!!! We hold a Casino Night. This night (cocktail attire) fulfills all expectations; the dining, the gaming, the auctions (silent and live), the raffles and ending with the Viennese dessert table, completely delight our 150 guests.



This year, our best in four years, we are anticipating raising over \$80,000. You may ask what for? The "what for" is dear to many hearts as we endeavor, through continued research funds, to put an end to the suffering of breast cancer. Susan G. Komen Breast Cancer Research Foundation has been working to unlock the tools of eradication. May this be the year!!! We at the L'Hermitage, in our small way, are honored to lend our support. Please direct all inquiries to Ms. Marilyn Greenberg at L'Hermitage at (954) 565-4412. •

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Bedfellows..Continued



layout, space position, and space availability, this provision is unintelligible. The entire bill is laden with provisions that are incomplete, unworkable, financially onerous or dangerous.

On March 8th, Senator Gary Siplin filed Senate Bill SB 2632, seeking to severely limit or eliminate an association's right to lien or foreclose when members ignore their financial responsibility. This will seriously interfere with an Association's ability to pay its expenses. Florida is already infamously reputed as a debtor's paradise. When Association members don't pay their obligations, it acts as an unfunded mandate on every other member. The condo has to pay its bills whether or not the individual members pay theirs - forcing the scofflaw's neigh-

bors to make up the resulting shortfall. It is unconscionable to legally force homeowners to pay their neighbor's debts!

A strange contradiction surrounds the legislation. Last year, the legislation's supporters frantically accused the Division of Florida Land Sales, Condominiums, and Mobile Homes of gross inefficiency bordering on criminal neglect. This was the basis for their demanding an "Ombudsman" to perform the functions already ascribed to the Division. Their rationale for forcing us to fund two entities doing the same job was simple. According to them, the Division was so "inept" and "corrupt" that this duplicate office was absolutely necessary. While the bill contains provisions that hurt



homeowners living in condominiums and cooperatives, HB 1229 is primarily devoted to bringing Homeowners' Associations under the aegis of the same "inept" and "corrupt" Division. If the Division was inadequate to supervise condominiums, why are the bill's sponsors suddenly demanding that they also oversee thousands of Homeowners' Associations? Ironically, the legislation also seeks to bring Community Association Managers under the wing of the supposedly "inept" Division. After insisting that condo owners pay for a duplicate office the Ombudsman - because the Division was incompetent, they now recommend an expansion of the Division's responsibilities to include Homeowners' Associations and Community Association Managers. The Division's name would be changed to the Division of Florida Land Sales, Condominiums, Homeowners' Associations, Community Association Management, and Mobile Homes. This glaring contradiction beclouds the credibility of those supporting the legislation; it implies an agenda inconsistent with their legislation's claim to "empower condo owners".

After a full review of the text in Representative Robaina's HB 1229 and Senator Gary Siplin's SB 2632, a comprehensive assessment of the inherent damage to condominium owners will be forthcoming. the sponsors will respond to the input of condo owners and offset the legislator's flaws. However, in view of their repeated rejection of input other than from their small radical group of disgruntled owners, this appears unlikely. If only life - and politics - were that simple! More to come...•



Social Security ... Continued

Regency Tower Condominium retiree Ginia Wexler asked Shaw how this sizable investment would impact the exploding federal deficit. Shaw responded, "Other plans may cost less, because they cut benefits or raise taxes. If our goal is to pay full promised benefits and enhance them, the Guarantee Plus Plan is the lowest-cost proposal to date. The Guarantee Plus Plan does all this and pays for itself over the seventy five-year actuarial period, and that's confirmed by the Social Security Administration's Office of the Actuary in the 108th Congress. Even under the most conservative estimates, the Guarantee Plus Plan allows the new Social Security system to generate surplus cash in the latter part of the century, actually adding black ink to the government's bottom line." Former Acting City Manager Alan Silva offered that minor adjustments to the trust fund would correct its current insufficiency. He suggested raising the combined contribution from 6.2% to 6.5% or increasing the current contributions cap from \$90 thousand to \$140 thousand. Ocean Club Condominium retiree, Terry Cook, concurred, "I paid into Social Security while making \$15 a week, why should someone currently earning \$400 thousand annually have 3/4 of their income exempted from contribution?" Shaw expounded the political realities under which the Congress currently operates. A tax increase would alienate Republican support, adulterating the fund would alienate Democratic support and lowering benefits would betray his longstanding commitment to constituents. Ms. Wexler then asked the Congressman about the President's intention to "means test" affluent retirees, resulting in "richer retirees not getting as much in benefits as their poorer counterparts." Shaw repeated that his plan eliminated the need to cut anyone's benefits, obviating the necessity for tests to determine where such unpopular cuts would elicit minimal political blowback.

Continued on page 18

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Bedfellows...Continued

Tallahassee operates under an adversarial set of rules and constraints. If an offering is uncontested, despite its inherent absurdity, its momentum will often carry it through to enactment. Should it encounter enough obstacles, it will fail. Although Robaina has insinuated that our "uninformed opinions" should be ignored, our legislators will be primarily guided by direction from their constituents - us. If we want to avoid being steamrolled by this year's version of last year's "Condo Killer" bills, we will again have to contact our legislators to communicate our objections.

The reworked agenda currently being proposed contains threats to any Condominium Association's operational underpinnings. Representative Robaina has indicated that he intends to promote mandatory full reserves every year, eliminating an Association's current right to either waive funding the reserves or opt for partial reserve assessments. If an Association has to replace a roof unexpectedly damaged by a hurricane, they might normally consider offsetting the expense of the impending assessment by temporarily lowering or suspending their reserves requirement. Until now, this decision has rightfully been left to homeowners those affected by its consequences. Robaina has stated that he intends to expand the "grandfathering" of rental rights to pets and parking. Currently, condo owners have the right to make rules governing their homes. These rules are constitutionally guaranteed to have universal application. Grandfathering rules that only apply to certain members will create two classes of condo owners with differing rights. In last year's bills, these rights were determined by when a unit was purchased or the number of months it is annually occupied - disenfranchising snowbirds. The legislation dispets equal protection under the law!

The issue is not pets, parking or leasing, but the right of homeowners to govern themselves. Robaina has revived his call for two-year term limits for board members, guaranteeing that board decisions will always suffer from the board's chronic lack of experience. Ironically, similar term limit proposals for State House representatives like Robaina, in contrast, were for 8 years. Not surprisingly, Robaina also expects to expand the powers of the Ombudsman, changing the office from an even-handed moderator to last year's originally envisioned bounty hunter with dictatorial powers. Many other provisions that hurt condo owners have been promised, their common denominator being the transition of governance rights from homeowners to Tallahassee.

We had hoped that many of the worrisome issues would have been responsibly reviewed and effectively refined to meet their stated objectives without the disastrous repercussions that plagued last year's legislative efforts. As this would have likely aligned universal support for the legislation, we incorrectly assumed it to be a "no-brainer". Unfortunately, our suspicions were recently justified. On February 28th, Representative Robaina filed House Bill HB 1229. It is a disorganized attempt to rewrite many of the provisions of Chapters 718 (The Condominium Act), 719 (The Cooperative Act) and 720 (Homeowners Associations). Consistent with last year's poorly drafted "Condo Killer" products, the new version is 106 pages of ambiguous, confusing provisions. By way of example, the bill states, "Residents with disabilities shall not park in a disabled guest parking space unless their assigned parking space is in use illegally." As each Association has different parking regulations that vary according to their size, Continued on page 8

Make Sure Your Family is Well **PROTECTED**

Mike Christiansen, Attorney, Mastriana & Christiansen, P.A.

OK, I know you're good at what you do, and your business affairs are in good order. But are you treating your family matters with the same integrity as your business matters? Is your family protected? Do you have a family protection plan? Sadly, many of us have to answer "No".

What do you mean by "family protection"? What will happen to your family in the event of your death or an emergency? If you should die, are your affairs in good order? What would happen if you became incapacitated? What would happen if a loved one became incapacitated? You can protect your family against these possibilities and Florida law strongly recommends that you do so.

What is involved in protecting my family?

Certainly the starting point would be a will and a basic estate plan. With a will, you can direct the disposition of your assets, provide for your children, and see to it that everything you've worked for is disposed of in the way you choose and not the way the State of Florida or the IRS chooses. With a basic estate plan, you spare your spouse and/or family the pain of probate – and the attendant probate costs, fees and delays – with a few quick, simple, inexpensive steps.

I'm going to leave everything to my spouse, so why should I do anything?

Why be a burden to your spouse at such a difficult time just because you didn't take the most rudimentary steps to protect him or her from the delay, expense and turmoil surrounding a death? And what would happen if the both of you were to die in a common accident? What would happen to your children – where would they go? What happens then?

Ok, you're making me nervous here. This is not an easy topic to discuss. I'm not trying to make you nervous, I'm just counseling you that everyone should have a rudimentary plan to protect their family. Besides wills, you may want to have a declaration naming a guardian for your minor children if you're not around; or naming a pre-need guardian for yourself; or a durable power of attorney. It also involves life insurance. It includes a living will so that if you become disabled to the point where you're in a vegetative state, a physician can honor your wishes as to whether you desire to be kept alive by heroic means or not. Remember, in this State, you still have no "right to die" and anyone who assists you by the withholding of medical treatments may be guilty of a homicide.

You can also make a decision about organ donation – you won't be using your organs, so you can decide if you want to let someone else use them – or not. A little forward planning can resolve any unanswered questions and see to it that your wishes are honored before it's too late. Your family protection plan can also include a health care surrogate in case you are injured and you're unable to give your consent to an operation, a treatment plan, etc., a designated health care surrogate could do that for you. However, without a health care surrogate who would speak for you?

Look, you spend your life at your job doing things in a careful, responsible and professional way. Don't you think you ought to treat your personal affairs with the same integrity?





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The coalition behind the "Condo Killer" efforts, a collection of "strange bedfellows", has a persistent problem. Their public "call to arms" has been the "empowerment of condo owners". Their legislative efforts last year ran into crippling grass roots opposition. How could they justify another "bite at the apple" when the "enemy" turns out to be the majority of condo owners throughout the state? This would never do. No sane legislator would "sign on" to seriously damaging 1.1 million homeowners to curry favor with a few hundred disaffected individuals.

They had to fashion a "straw dog" upon which they could blame their "empowering" legislation's disappointing result. Since they couldn't admit that it was the vast majority of condo owners that opposed their legislation, they created an alternative rationale for its unfavorable reception. "Condo Killer" bill sponsor Representative Robaina stated that, "the owners were misled by their condo board attorneys." That became their battle cry... a handful of attorneys deliberately confused over a million "naïve" condo owners. The thousands of emails, letters and phone calls to legislators and the governor were "engineered by a small cabal of unscrupulous lawyers." Whether full-time resident owners or snowbirds visiting a Florida home, condo owners are almost "generically" passive, wanting primarily to get on about their lives. Every year they vote for representative board members to let them worry about running the building. Anyone that lives in a condo knows that the only thing that could elicit last year's overwhelmingly negative response is a direct threat to their lifestyle. The fact that the vast majority of condo owners don't even know who their condo attorney's name wouldn't matter. By claiming that their opposition "didn't know what they were doing", Robaina found the perfect scapegoat. After all, attorneys already suffer from a curiously suspect public perception. Robaina's contention that since these average condo owners had been hoodwinked by their lawyers, legislators should ignore their input and pass his damaging legislation over their objections. They should, in effect, protect condo owners from themselves.

This deliberate misrepresentation demonstrates this group's intention to win at all costs. Their problem is you. They can only "sell" the insulting proposition that condo owners as a class are incapable of representing themselves if we remain silent. The target of this deception is not condominium residents-as they generally consider themselves to be no less rational than any other class of homeowner. The primary audience for their propoganda are fellow legislators. By using a group of disgruntled owners as "props" and feeding the media a few examples of anecdotal abuse, these legislators aspire to mislead their peers into harming a large but generally silent group of homeowners.

Continued on page 6

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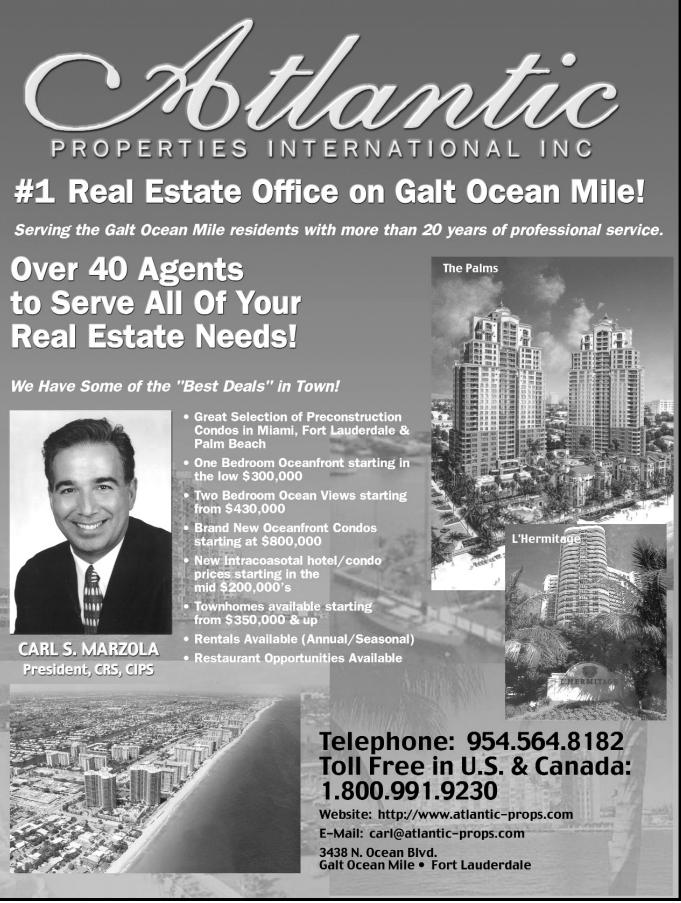
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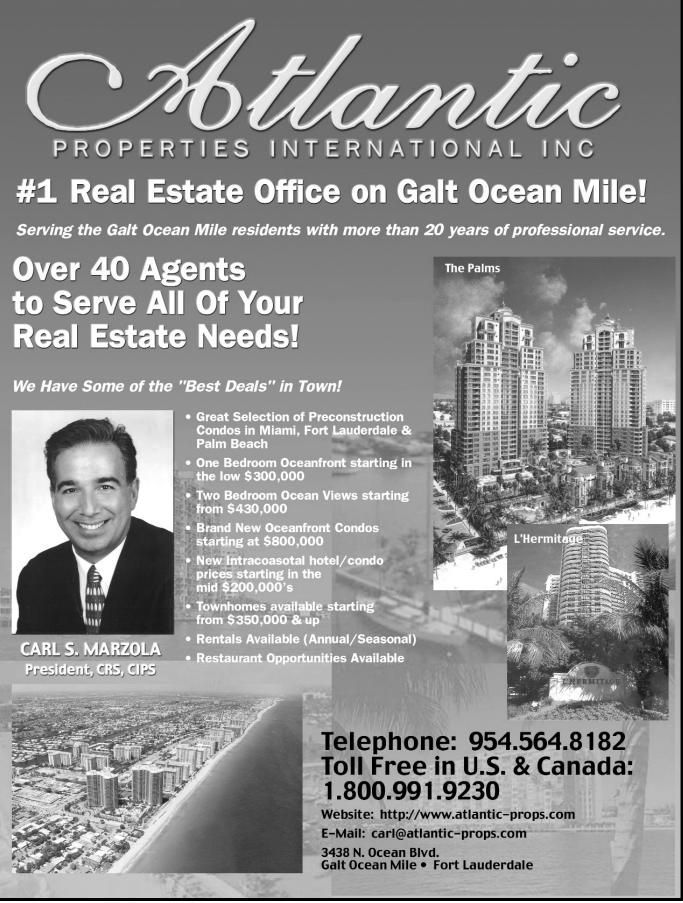
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